

REMARKS

Claims 1-9 are pending in the above identified application. Claims 1 and 5-6 have been amended by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter in regards to the invention; claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0198155 (Go et al.).

35 U.S.C. § 112 Claim Rejections

Claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter in regards to the invention. Claims 1 and 5 have been amended to provide the proper antecedent basis. Therefore, it is respectfully submitted that claims 1-9 have proper antecedent basis and that the outstanding rejection should be withdrawn.

35 U.S.C. § 102 Claim Rejections

Claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Go et al. Reconsideration is respectfully requested.

Claim 1 has been amended to clarify the invention. In particular, claim 1 has been amended to recite:

[a] recording method for an optical disk drive, comprising the steps of:

detecting at least one unstable signal source of the optical disk drive, wherein the unstable signal source is selected from a the group including a level of a focusing error signal, a level of a tracking error signal, a wobble synchronization pattern loss, an error rate of demodulating a wobble signal and a frequency of buffer under-run occurrence during recording;

ceasing recording if the detected value exceeds a preset threshold value;
decreasing a the rotation speed of the optical disk drive; and
resuming recording with the decreased rotation speed
(emphasis added).

Support for the amendment is provided is provided by the original claims and the amendment merely further clarifies the claimed invention occurs “during recording.” Therefore, the amendment raises no question of new matter and requires no further search.

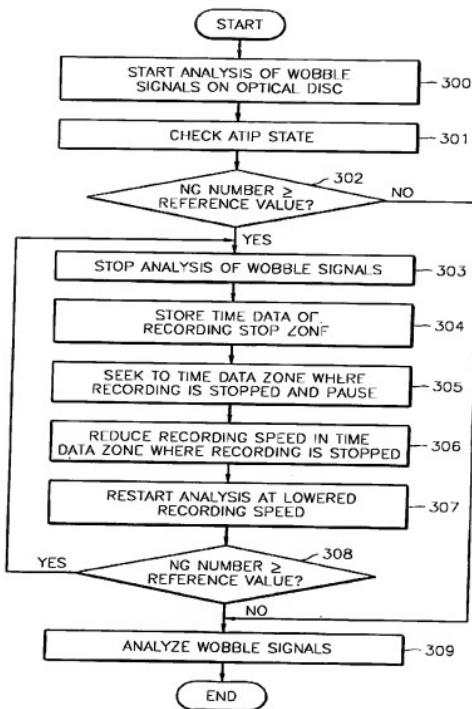
Go et al. discloses an apparatus for changing a recording speed of an optical recording medium by analyzing wobble signals in real time during a recording operation.¹ In particular, Go et al. discloses a control unit **104** includes a state detection unit **104-1**, a comparison unit **104-2**, a memory **104-3**, a recording start/stop control unit **104-4**, and a recording speed control unit **104-5**.² Further, Go et al., as shown in the flowchart of **FIG. 3** below, discloses: a method of changing a recording speed of an optical recording medium that comprises: starting an analysis of wobble signals on the optical disc in operation **300**, checking an absolute time in a pregroove (ATIP) state in operation **301**; determining whether a no good (NG) number is equal to or greater than a reference value in operation **302**; stopping the analysis of the wobble signals in operation **303**; storing time data of a recording stop zone in operation **304**; seeking the recording stop zone and pausing in operation **305**; lowering the recording speed in the recording stop zone in operation **306**; and restarting the analysis of the wobble signals at the lowered recording speed in operation **307**; determining whether the NG number is equal to or greater than the reference value in operation **308**; and continuously analyzing the wobble signals in operation **309**.³

As shown in **FIG. 3** the method of changing a recording speed of an optical recording medium, of Gao et al. is determined by analyzing wobble signals in real time. Further, Gao et al.

¹ Go et al., At ABSRACT.

² *Id.* at **FIG. 2**; and paragraph [0034].

³ *Id.* at **FIG. 3**; and paragraph [0035].

FIG. 3

discloses: "the recording speed is determined by measuring a tracking error quality and a focus error quality of a blank disc *before a recording operation*" (emphasis added).⁴ Therefore, in Gao

⁴ *Id.* at paragraph [0012].

et al., the tracking error signal and the focus error signal are not used for determining whether the recording speed should be changed, and the wobble signal is the one used for determination.

However, as amended claim 1 shows using a level of a focusing error signal or a level of a tracking error signal “*during recording*,” as recited in the claim, with an unstable signal source for changing the recording speed. Therefore, it is respectfully submitted that Gao et al. does *not* disclose the limitation of: “detecting at least one unstable signal source of the optical drive, wherein the unstable signal source is selected from a group including a level of a focusing error signal, a level of a tracking error signal and a frequency of buffer under-run occurrence during recording,” as recited in claim 1.

Furthermore, as to Claim 2, the outstanding Office Action indicates that the feature is “inherently” disclosed in FIG. 3 and paragraph [0035] of Gao et al.. However, it is respectfully submitted that Gao et al. does not disclose the limitations of Claim 2. That is, in accordance with the claimed invention, the step of checking whether the optical disc drive is recording is preferably performed first because the levels of the tracking error signal and the focus error signal are measured “*during recording*,” as recited in claim 1, upon which claim 2 ultimately depends. In contrast to claim 2, as disclosed in paragraph [0012] of Gao et al., discloses that the tracking error quality and focus error quality are measured *before a recording operation*. Thus, it is not necessary to check whether the optical disk drive is recording before detection of the tracking error signal or the focusing error signal. In fact, it is respectfully submitted that based on the above-discussion, Gao et al. teaches away from the claimed invention. Therefore, it is respectfully submitted, the suggestion in the outstanding Office Action that the disclosure of claim 2 is inherent to Gao et al. is incorrect.

Moreover, amended claim 5 specifies a servo signal generation unit for generating a level of a focusing error signal, and a level of a tracking error signal during recording. As mentioned in the above-discussed argument for claim 1, Gao et al. discloses the tracking error quality and the focus error quality of a blank disc are measured *before a recording operation*. Thus, Gao et al. nowhere discloses the limitations of claim 5.

Therefore, in consideration of the above discussion for claims 1, 2 and 5, it is respectfully submitted that Gao et al. does not disclose, anticipate or inherently teach the claimed invention and that claim 1, and claims dependent thereon, patentably distinguish thereover.

Conclusion

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22171-00026-US1 from which the undersigned is authorized to draw.

Dated: August 17, 2007

Respectfully submitted,

Electronic signature: /Myron Keith Wyche/
Myron Keith Wyche
Registration No.: 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111 (Tel)
(202) 293-6229 (Fax)
Agent for Applicant